

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, ) ) No. 4:18-CR-621 AGF  
 )  
 v. )  
 )  
 KOKAYI SIMMONS, )  
 )  
 Defendant. )

**MEMORANDUM AND ORDER**

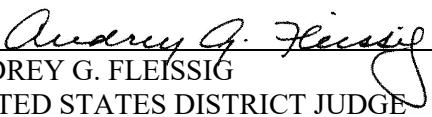
This matter is before the Court on its own motion. Defendant has filed a motion for relief from judgment pursuant to *Rehaif v. United States*, 139 S.Ct. 2191 (2019). The Court finds that the motion should be administratively terminated and opened as a new case under 28 U.S.C. § 2255.

Accordingly,

**IT IS HEREBY ORDERED** that the Clerk is directed to **administratively terminate** defendant's motion for relief from judgment [ECF No.63] and to open it as a new civil action under 28 U.S.C. § 2255.

**IT IS FURTHER ORDERED** that upon opening the civil action under 28 U.S.C. § 2255, the Court will require defendant to file an amended motion to vacate upon a court-provided form. Because this will be defendant's first-filed motion to vacate, brought pursuant to 28 U.S.C. § 2255, the Court will provide defendant the opportunity at that time to withdraw his motion to vacate or include within his amended motion to vacate all of the § 2255 claims he believes he has. *See Morales v. United States*, 304 F.3d 764, 767 (8<sup>th</sup> Cir. 2002).

Dated this 21st day of June, 2021.

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE